QUESTION OF BREACH OF PRIVILEGE RAISED BY SRI M. NAGAPPA AND OTHERS

Sri M. NAGAPPA (Raichur).—Sir, I have sent a Privilege Motion pertaining to the Deputy Minister for Co-operation regarding the matter that he went as a witness before the Naronha Commission and thereby he has committed contempt of this House because he has not taken the permission of this House to give evidence.

Mr. SPEAKER.—You raised the point and I wanted some clarification. You thought that the matter should get clarified by the Advocate General.

Sri M. NAGAPPA.—There seems to be some confusion in the mind of the Chair. I have given notice of two privilege motions against two Ministers. *One pertains* to the amendment to the Co-operative Societies Act made illegally without jurisdiction and without power. That privilege motion is against the Minister for Co-operation. *The second* privilege motion that has been tabled on my behalf pertains to the Deputy Minister for Co-operation in which I have alleged that the Deputy Minister without any permission of this House went to Noronha Commission and gave his evidence touching the proceedings of the House which amounts to contempt of this House. I have submitted these two privilege motions. In respect of the first question you have said that the matter will be referred to the Advocate General and after that it will be considered. Regarding the other the hon'ble Chair has agreed that it will consider it today. I have submitted a ruling in the chamber itself. I submit that I may be permitted to raise it.

Sri K. H. PATIL.—It is not as if we have to refer the matter to the Advocate General. The Leader of this House has agreed that the Advocate General may be called in here and the Leader of the Oppsition, the Leader of the House and the Advocate General are to be consulted.

Mr. SPEAKER.—Sri Nagappa has given me an authority. But I had no time to go through it. I shall give my ruling tomorrow.

Sri B. P. GANGADHAR.—I have also been summoned as one of the witnesses and I am called upon to give evidence on the 19th. Is it necessary that I must have to obtain permission? If it is necessary, can it be accorded to me?

Sri K. PUTTASWAMY.—The hon'ble member himself is an Advocate. I think he should be able to decide whether he should go before the Court. If he finds any difficulty he can consult other members of the bar.

Mr. SPEAKER.—I understand it. It is not possible for me to give information as to how one should proceed. The only point is, if a member wants to give evidence touching upon the proceedings of this House, that can be done only with the consent of the House and when

the House is not in session, with the consent of the Speaker. That is the position. As to what the member should do or not do, it is not for the Chair to say.

Sri H. SIDDAVEERAPPA.—Sir I submit you cannot say it is for the member to choose. If the Chair gives a ruling tomorrow, that will be the guide line to the hon'ble members. Offhand I can say we are supreme. I personally consider that we will be probably doing great injustice if we do not go and appear before the Commission. It is all important. If only our permission is necessary the Chair can accord it.

Mr. SPEAKER.—Permission is necessary in matters where the evidence is likely to touch upon the proceedings of this House. If the member is not going to say anything regarding the proceedings of this House, then permission may not be necessary. The Chair had no sufficient time to go through the authority furnished by Sri Nagappa, but the Chair feels that no permission is necessary if the member is not going to say anything regarding the proceedings of this House.

Sri H. SIDDAVEERAPPA.—What the hon. member Sri Nagappa has said is a fact. He has said that the Deputy Minister has made a statement before the Commission regarding the proceedings of this House. Now the Chair has to give a ruling.

Sri B. P. GANGADHAR.—In this connection, it is I who moved the resolution here and hence a portion of the concerned proceedings may be necessary to be deposed before the Commission.

Mr. SPEAKER.—Let the matter come up before the House in a formal manner. The hon. member Sri Gangadhar wants to give evidence before the Commission and similarly some other members also might be desiring to give evidence before the Commission. So it is better that the member brings the matter before the House in a formal manner. Then we shall consider it and I will give my ruling thereon.

Sri H. SIDDAVEERAPPA.—The Chair may please give a ruling on the privilege motion. That will set the matter at rest.

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸಾಮೀ, ಇದರ ಎನ್‌ಕ್ವೈರಿ ಇನ್ನು ಎರಡು ಮೂರು ದಿನಗಳಲ್ಲಿ ಮುಗಿಯುವುದರಲ್ಲಿದೆ. ಮತ್ತು ಈ ಶಾಸನ ಸಭೆಯ ಸದಸ್ಯರು ಸಾಕಷ್ಟು ಜನರು ಅಲ್ಲಿಗೆ ಹೋಗಿ ಸಾಕ್ಷಿ ಕೊಡತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಈ ಶಾಸನಸಭೆಯಲ್ಲಿ ನಾವು ಮಾಡಿರುವ ಟೀಕೆಗಳನ್ನು ಅಲ್ಲಿ ಪ್ಲೇಯ್ಯುಕ್ತಿಕವಾಗಿ ಮಾಡಿದರೆ ಅದು ಕಂಟೆಂಪ್ಟ್ ಆಗುತ್ತದೆ. ಶಾಸನ ಸಭೆಗಳ ನಡವಳಿಕೆಗಳನ್ನು ಅಲ್ಲಿ ಹೇಳುವ ಕಾರಣವೇ ಇಲ್ಲ.

Sri K. PUTTASWAMY.—I wonder even whether a resolution of this House could help the member to refuse to appear before any court.

Mr. SPEAKER.—If the matter is put before me all of a sudden it is difficult for me to guide the member. I cannot give a ruling offhand. If the hon. member Sri Gangadhar wants permission, let the matter come up before me in a proper manner. Then I shall consider the whole thing and give my ruling.

Sri S. SIVAPPA.—How can you prevent a member of the Legislature from going and appearing before the Commission?

Sri K. PUTTASWAMY.—At least for once both of us agree on one point.

Mr. SPEAKER.—If anything is to be deposed regarding the proceedings of this House then consent of the House is necessary. It all depends upon what kind of evidence he is going to give.

Sri H. SIDDAVEERAPPA.—This is a very serious and urgent matter. The hon. member's evidence in that court is vital for sifting the truth. Therefore we want a clear ruling. Now the matter is there before you in the form of a privilege motion moved by Sri Nagappa.

Mr. SPEAKER.—He has complained that the Deputy Minister Sri B. L. Gowda gave evidence before the Noronha Commission concerning the proceedings of this House without taking the consent of the House and hence he says he has committed a breach of privilege. I have to examine whether it amounts to breach of privilege and then only I will be able to give my ruling. It all depends upon what he has deposed and for that I should have a copy of his deposition before the Commission. It is difficult for me offhand to say whether any statement made by the Deputy Minister before the Commission is a breach of the privilege of this House. Unless I examine the whole thing I will not be in a position to give my ruling.

If any of the hon. member wants the consent of this House for the purpose of giving evidence before the Commission it is for the member concerned to move a formal motion in which case I shall go through the matter completely, consider it and give my ruling as early as possible. Otherwise I cannot give a ruling.

†ಶ್ರೀ ಕೆ. ಹೆಚ್. ರಂಗನಾಥ್ (ಮೂಡಿಗೆರೆ).—ಸ್ವಾಮಿ, ತಾವು ಹೇಳುವಂತೆ ಇಲ್ಲಿ ಒಂದು ಫಾರ್ಮಲ್ ಮೋಷನ್ ಮೂವ್ ಮಾಡಿ ಆದರ ಬಗ್ಗೆ ಒಂದು ತೀರ್ಮಾನಕ್ಕೆ ಬಂದರೂ even then the contingency would arise this way. The Commission is not going into the proceedings that took place in this House. ಕಮಿಷನ್ ಏತಕ್ಕಾಗುತ್ತದೆ ಎಂದರೆ, ಗಲಭೆ, ಗೊಂದಲಗಳು ಇತ್ಯಾದಿಗಳಾದಾಗ ಸದಸ್ಯರಾಗಿರುವ ನಾವು ನರಕಾರಕ್ಕೆ ಇದಕ್ಕಾಗಿ ಒಂದು ಎನ್‌ಕ್ವೈರಿ ಕಮಿಷನನ್ನು ನಾವು ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇವೆ ಅದರಂತೆ ಮಾಡುತ್ತಾರೆ. ಆದರೆ ಈ ಸಭೆಯಲ್ಲಿ ಆಗುವ ನಡೆವಳಿಕೆಗಳನ್ನು ಕ್ರಿಟಿಸೈಸು ಮಾಡುವುದಕ್ಕೆ ಕಮಿಷನ್ ಇಲ್ಲ. ಆದುದರಿಂದ ಒಂದು ವೇಳೆ ಈ ಸಭೆಯ ಸದಸ್ಯರು ಅಂತಹ ಕಮಿಷನ್ನಿನ ಮುಂದೆ ಹೋಗುವ ಪರಿಸ್ಥಿತಿ ಬಂದಾಗ ಅವರು ಇಲ್ಲಿ ಗಲಭೆಯು ನಡೆಯುತ್ತೇ ಎಂದು ಕೇಳಿದಾಗ ಇದನ್ನು ನೋಡಿದಿರಾ ಇಲ್ಲವೇ ಇತ್ಯಾದಿಗಳನ್ನು ಕೇಳುತ್ತಾರೆಯೇ ವಿನಾ ಈ ಸಭೆಯ ನಡವಳಿಕೆಗಳನ್ನು ಚರ್ಚಿಸುವುದಕ್ಕಲ್ಲ. ಈ ವಿಷಯದಲ್ಲಿ ಯಾವ ಮೋಷನ್‌ನ್ನನ್ನು ಮಾಡುವ ಅಗತ್ಯವಿಲ್ಲ. ಸಭೆಯ ಹೊರಗಡೆ ನಡೆಯುವ ಎನ್‌ಕ್ವೈರಿ ಕಮಿಷನ್ ಮುಂದೆ ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಕೊಡತಕ್ಕ ಪರಿಸ್ಥಿತಿ ಬರಬಹುದು ಮತ್ತು ಇದಕ್ಕೆ ಅವರಿಗೆ ಕೊಡಲು ಅವಕಾಶ ಮಾಡಿಕೊಡಬಹುದು. ಆದುದರಿಂದ ಇಲ್ಲಿ ಪ್ರತ್ಯೇಕವಾದ ಒಂದು ಮೋಷನ್ ತರಬೇಕೇ ಎನ್ನುವುದು ಪ್ರಾಧಾನ್ಯವಾದ ಪ್ರಶ್ನೆ. ಆದುದರಿಂದ ತಾವು ಇದರ ಬಗ್ಗೆ ರೂಲಿಂಗು ಕೊಡುವುದನ್ನು ಸ್ವಲ್ಪ ಕಾಲ ಮುಂದೂಡುವುದು ಒಳ್ಳೆಯದು. The enquiry before the Commission is almost at an end. ಇಪ್ಪೊತ್ತಿನ ದಿವಸ ಇದನ್ನು ತಾವು ವಿಚಾರ ಮಾಡಬೇಕು. ಕಮಿಷನ್ನಿನ ಮುಂದೆ ಪೋಲಿಸಿನವರು ಎಕ್ಸ್‌ಸ್ ನಡೆಸಿದ್ದಾರೆಯೇ ಇಲ್ಲವೇ

ಯಾರುಯಾರು ಪೋಲೀಸಿನವರನ್ನು ಹೊಡೆದರು ಇಲ್ಲ ಎನ್ನುವುದನ್ನು ಪುಷ್ಟೀಕರಿಸಲು ಇಲ್ಲಿ ಸಾಕ್ಷಿ ಹೇಳಲು ಕೇಳುತ್ತಿದ್ದಾರೆ. ಇದನ್ನು ಸರಿಯಾಗಿ ವಿಚಾರ ಮಾಡಬೇಕು. ಪ್ರೊಸಿಡಿಂಗ್ಸ್‌ನ್ನು ಅವರು ಕೇಳುತ್ತಿಲ್ಲ.

Sri B. P. GANGADHAR.—I take the opposite view and feel that the ruling should not be postponed. I submit the ruling may be given immediately. On the one hand it has been alleged that it is tantamount to contempt of the House and on the other it is argued that no permission is necessary. Hence I want a ruling immediately.

Sri K. H. RANGANATH.—If any contempt of the House is committed, the House has got every right to go into it and punish the concerned member at any time.

Sri B. P. GANGADHAR.—Of course, we have adopted this particular motion on the floor of this House. Some portions of my speech in this connection may have to be deposed before the Commission. So the doubt is whether it would amount to contempt or breach of the privilege of the House. So it is better that this point is thrashed out immediately and a ruling given.

Mr. SPEAKER.—I am not giving any ruling. The hon. member Sri Gangadhar wants guidance from me. I feel that if he is going to say something regarding the proceedings of this House, then consent of this House is necessary and if he is not going to say anything regarding the proceedings of this House, then consent may not be necessary. I am not committing myself to any particular proposition without considering the whole matter in detail. So far as the point raised by the hon. member Sri Nagappa is concerned, I realise the gravity of the whole situation. His motion of breach of privilege is based upon a particular document and I feel that that document should be before the House. He has given only a newspaper cutting along with his motion. I request him to get a certified copy of the deposition of the Hon. Deputy Minister Sri B. L. Gowda. After going through that copy I shall see whether he has done or stated anything or given any evidence regarding the proceedings of this House. Then only it will be possible for me to give my ruling. So I request the hon. member Sri Nagappa to get a certified copy of the deposition of the Hon. Deputy Minister and pass it on to me. Then I shall consider his motion and not till then.

† Sri M. NAGAPPA.—Sir, my statement is based on the report in the Press and I have submitted the Press cutting. We must take it that the Press also has certain responsibility. It is not without any basis that I have submitted my motion. When I have submitted the document on which I rely for the privilege motion, it is for the Deputy Minister to say that he has not made the said statement by furnishing a copy of the exact deposition made by him before the Commission. I have placed sufficient informatoin before the House to say that he has made such a statement before the Commission. If I had not done that, it would have been proper for the Chair to ask me to furnish a certified copy of the document. I have already furnished certain documents in

(SRI M. NAGAPPA)

which this matter has been brought out saying that when a question was put in cross-examination as to why a particular point was not mentioned in his statement on the floor of the House on 30th November 1967, the Hon'ble Deputy Minister has answered by saying that since he was allotted only 15 minutes time he could not give a detailed statement on the floor of the House. So, the particular statement has been contradicted and it has touched upon the proceedings of the House, Under the circumstances, I need not submit the statement of the Hon'ble Deputy Minister. It is up to him to say that he has not stated like that. If he says like that, I myself will withdraw the Motion. Therefore, I may not be directed to bring a copy of the statement. The Hon'ble Deputy Minister may be asked whether he has given such a statement or not.

1-30 P.M.

† **Sri K. PUTTASWAMY** (Minister for Parliamentary Affairs).—Sir, the Hon'ble Member is advancing very strange arguments. The Chair was perfectly right in calling upon the Hon'ble member to produce a certified copy of the deposition, the Hon'ble Deputy Minister Sri B. L. Gowda is alleged to have made before the Naronha Commission. It is a well-known principle of the Law of Evidence that when primary evidence is available, secondary evidence cannot be relied upon. Hon'ble Member Sri M. Nagappa now says that he is relying upon the information that has appeared in the Press. With due deference and respect to Press, I may say that sometimes incorrect reporting may take place. So, we cannot entirely depend upon the version of the Press when a primary evidence is available. In spite of the fact that the Speaker has pointed out, the hon'ble Member Sri Nagappa now seems to make a request calling upon the Hon'ble Deputy Minister Sri B. L. Gowda to say yes or no to what he said. Under what provision of the Rule he can demand this, I want to ask? I think the matter will have to be closed at that. If the hon'ble Member is anxious in pursuing this matter, he may, as directed by the Chair, produce a certified copy of the evidence.

Sri B. L. NARAYANASWAMY (Srinivasapur).—Sir, I am sorry, I have to disagree with the Hon'ble Minister for Parliamentary Affairs. I am sorry, the Hon'ble members of this House cannot be reduced to the status of parties in a Court of Law. News appeared in the Press and Hon'ble Sri Nagappa believed it. If, according to the Minister for Parliamentary Affairs, the statement made by Sri B. L. Gowda is not incorrect, it is for the Hon'ble Deputy Minister Sri B. L. Gowda to contradict it. That will solve the whole problem. In the absence of any contradiction, what Sri Nagappa says is right. I submit, Sir, that a suitable Ruling be given.

Mr. SPEAKER.—Rule 177 of the Rules of Procedure says :

> "A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member, or of the Assembly or of a Committee thereof."

Therefore, with the consent of the Speaker such a Motion can be brought before the House. Rule 178 says :

> "A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

Hon'ble Member Sri Nagappa may please note that before I can give my consent I must be satisfied that there is a *prima facie* case to take up the matter, and only when consent is given the matter can be raised. The basis should be the deposition or the statement alleged to have been made by the Deputy Minister before the Naronha Commission. The statement in the Press Report cannot at all be relied upon and it cannot be accepted. The hon'ble Member is well acquainted with the provisions of the Indian Evidence Act. Even technically, those provisions may not be held to be applicable here. The position is clear that Newspaper Report cannot be made the basis for a privilege motion. It must have come to his notice that such a statement has been made by the Hon'ble Deputy Minister Sri B. L. Gowda. Hon'ble Member thinks in terms of burden of proof. He makes an allegation and says: "let the allegation be contradicted by the Deputy Minister". That is not correct. It is not a question of burden of proof. Here the position is, under Rule 178, if I were to give my consent, the document upon which the Motion is based must be before me, and I cannot take notice of Newspaper Report, a cutting of which has been given to me by Sri Nagappa. I therefore rule that unless a certified copy of the deposition said to have been made by the Hon'ble Deputy Minister Sri B. L. Gowda before the Naronha Commission is produced before me, the chair cannot consider the matter at all.

Sri K. P. NADAGOUDA (Mudhol).—Sir, I have given a Notice yesterday requesting you to permit me to move a Privilege Motion under Rule 178 in connection with the Notifications placed on the Table of the House by the Minister for Co-operation. The Privilege Motion is against the Ministers in general and against the Minister for Co-operation in particular.

Mr. SPEAKER.—It has not yet come to my notice. I will look into it. The hon'ble Member may please meet me in my Chambers.

Sri K. H. PATIL (Hubli).—Sir, I have a point of order on the question of Privilege and the consent of the Speaker.

Mr. SPEAKER.—The Hon. Member cannot raise a Point of Order upon the ruling of the Speaker.

Sri K. H. PATIL.—I am not raising a point of order, challenging the validity of the ruling of the Speaker. I am aiding the Speaker and while giving the aid to the word 'consent', I want to know what is the consent and in what form it should be.

Mr. SPEAKER.—I do not want aid now. Now the matter is over. I have interpreted the word 'consent' in a particular manner under Rules 177 and 178 of the Rules of Procedure. If the members think that it is not correct, they can take in future another opportunity when a similar occasion arises.

Sri K. H. PATIL.—Suppose the consent asked for is refused!

Mr. SPEAKER.—I have not refused.

Sri K. H. PATIL.—What I am concerned is that the consent should not be refused.

Mr. SPEAKER.—I have not refused consent.

Sri K. H. PATIL.—That is what I have observed when ruling was given. These matters will have to be dealt with in the Privilege Committee.

Mr. SPEAKER.—If breach of privilege is alleged, then the document connected with that has to be produced. It is imperative.

Sri K. H. PATIL.—I agree with the Chair. What I wanted is the consent of the Chair is necessary for the privilege question.

Sri K. PUTTASWAMY.—He is speaking almost in a vacuum. There cannot be any point of order in a vacuum.

Sri K. H. PATIL.—Have I no right to raise a point of order when the matter is before the House? Am I deprived of the right? Is it right on the part of the Minister for Parliamentary Affairs to say like that? As far as the privilege motions are concerned, every member of the House has got a right to raise points of order if he is not satisfied and if things do not go in an orderly manner. Therefore the Speaker will have to give consent immediately without further delay.

Mr. SPEAKER.—There is no delay on my part. The only thing that now remains is sufficient information has to be given with regard to the motion.

CALL ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE *re* : CLASH BETWEEN M.S.E.B. EMPLOYEES AND THE TEACHER TRAINEES IN BIDAR

Sri S. CHANDRAKANTH.—I call the attention of the Chief Minister regarding scuffle and clash between the M.S.E.B. employees and teacher trainees at Bidar on 16th August 1968.